S.B.CRIMINAL MISC. BAIL APPLICATION NO.4333/2007
(Jahan Ara & Anr. vs. State of Rajasthan)

DATE OF ORDER : September 18, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.M.A.Siddiqui, for the petitioners.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioners as well as the Public Prosecutor for the State. Perused the order impugned and the police investigation diary.

It is contended by the learned counsel for the petitioners that on 12.1.2004, Pyar Mohammed and Yusuf executed a power of attorney in favour of Wali Mohammed and on the strength of power of attorney, Wali Mohammed sold the land by registered sale-deed to petitioner No.1 Jahan Ara. It is further contended that petitioner No.1 Jahan Ara sold the land to Smt. Nathi Devi and Bhanwari Devi and the land has been mutated in favour of Smt. Nathi Devi and Bhanwari Devi on the strength of the sale-deed. It appears that Yusuf, who is one of the executants of power of attorney has lodged the FIR.

Having regard to the facts and circumstances of the case and the fact that prima facie there is material available on record regarding the execution of power of attorney and transfer of land by the registered sale-deed, I consider it just and proper to grant anticipatory bail to the petitioners.

Accordingly, the bail application filed by the petitioners under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners No.1 Jahan Ara w/o Munir Ahmed and No.2 Munir Ahmed s/o Allahdeen in FIR No.60/2007, P.S. Peelwa, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount each to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-